

## *Agriculture, Conservation and Forestry*

### **PUBLIC 23      An Act to Reenact Standards for Road Construction for Forest Management Activities**

**LD 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR KNEELAND	OTP	

Public Law 2003, chapter 23 reenacts the permit by rule provision for road construction or maintenance associated with forest management activities that was repealed on August 1, 2002. For an eligible activity, the permit by rule is effective upon receipt by the Department of Environmental Protection of a completed notification form.

### **PUBLIC 31      An Act to Further Define a Strain of Maine Standardbred Horses EMERGENCY**

**LD 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY MAYO	OTP-AM	H-17

Public Law 2003, chapter 31 allows the State Harness Racing Commission to register as a Maine Standardbred horse offspring produced during a year in which the offspring's sire was registered and stabled in Maine for breeding purposes. This change allows the offspring of a mare inseminated during 2003, 2004 or 2005 with semen transported out of state to be registered and race as a Maine Standardbred. The State Harness Racing Commission is required to report no later than February 1, 2005 to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses and to make recommendations regarding the definition of "Maine Standardbred horse."

Public Law 2003, chapter 31 was enacted as an emergency measure effective April 8, 2003.

### **PUBLIC 61      An Act To Allow Experimentation in the Cultivation of Industrial Hemp**

**LD 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL BRYANT	OTP-AM	H-61

Public Law 2003, chapter 61 authorizes, but does not require, the Director of the Maine Agricultural Experiment Station to develop a study to explore the feasibility of growing industrial hemp in Maine. It requires appropriate federal permits to be obtained prior to undertaking such a study. It enacts a definition of "industrial hemp." It establishes an affirmative defense to prosecution under Maine's drug laws. A person charged with possessing, furnishing, trafficking in, cultivating or growing marijuana and alleging that the substance was industrial hemp would be required to prove by a preponderance of the evidence that the substance alleged to be marijuana was, in fact, industrial hemp and grown under and in compliance with a federal permit.

# ***Agriculture, Conservation and Forestry***

## **PUBLIC 71      An Act To Strengthen the Animal Control Laws**

**LD 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM	H-60

Public Law 2003, chapter 71 adds a mandatory minimum fine of \$250 for keeping a dangerous dog and specifies that the fine may not be suspended. The maximum fine for keeping a dangerous dog is \$1,000, plus costs.

## **PUBLIC 120      An Act To Provide Financial Relief for Maine Dairy Farmers** **EMERGENCY**

**LD 1378**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI BRYANT	OTP-AM	H-271

Public Law 2003, chapter 120 allows money in the Agricultural Marketing Loan Fund to be used as security for, and to be applied to, payment of principal, interest and other amounts due on loans insured by the Finance Authority of Maine to eligible dairy farmers. It allows the Commissioner of Agriculture, Food and Rural Resources to use the Agricultural Marketing Loan Fund to provide additional financial assistance to dairy farmers. It transfers certain savings in other accounts within the department to the Maine Milk Commission for distribution to Maine milk producers. It provides for direct subsidy payments to the State's dairy farmers through the Maine Milk Pool in the event that the base price for milk falls below \$16.94 in any of the months from September 2003 to December 2003. The amount distributed during this period may not exceed \$3,000,000. The Governor is directed to seek a general fund appropriation in the second session of the 121<sup>st</sup> Legislature if needed for the distributions.

Public Law 2003, chapter 120 was enacted as an emergency measure effective May 9, 2003.

## **PUBLIC 145      An Act Regarding Mandated Reporters and Child Abuse**

**LD 1098**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN KANE	OTP-AM	S-84

Public Law 2003, chapter 145 adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a child has been or is likely to be abused. It also adds state humane agents to the list of professionals required to report to the Department of Human Services when they know or have reasonable cause to suspect that a dependent or incapacitated adult has been abused or neglected.

## ***Agriculture, Conservation and Forestry***

### **PUBLIC 167      An Act To Improve Participation in the Farms for the Future Program**

**LD 1461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP	

Public Law 2003, chapter 167 eliminates the requirement that farmers enter into a farmland protection covenant with the State to receive state funding for development of a business plan. It also removes development pressure from the selection criteria used to award funds under the Maine Farms for the Future Program.

### **PUBLIC 168      An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund**

**LD 1430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU YOUNGBLOOD	OTP	

Public Law 2003, chapter 168 reduces the percentage of private funds needed to be eligible for a loan from the Agricultural Marketing Loan Fund from 10% to 5% of the total project cost. It increases the amount of project costs that may be covered by the State. It also directs the Commissioner of Agriculture, Food and Rural Resources to make a minimum of \$1,000,000 available from the Agricultural Marketing Loan Fund for loans to agricultural enterprises engaged in direct marketing. A similar provision was repealed December 31, 2002. The newly enacted provision has a repeal date of December 31, 2004.

### **PUBLIC 175      An Act To Modify Water Well Reporting Requirements**

**LD 1398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE YOUNGBLOOD	OTP	

Public Law 2003, chapter 175 enacts a definition of “well drilling company” in Title 12 and makes a well drilling company the entity responsible for submitting water well information to the State. It reduces the time allowed for the company to submit the information from 6 months to 30 days, which is consistent with the time required by the Maine Water Well Commission.

## ***Agriculture, Conservation and Forestry***

### **PUBLIC 220      An Act To Bring the State into Conformity with the National Organic Program**

**LD 1459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-83

Public Law 2003, chapter 220 repeals the statutes relating to the certification and labeling of foods as natural, or organic. In October of 2002, the United States Department of Agriculture's Agricultural Marketing Service established standards for the production and handling of fresh and processed organic foods, as well as labels and labeling requirements for organic products. Accredited agencies certify compliance with the national organic standards. The State has chosen not to become accredited under the new federal program because of limited resources within the Department of Agriculture, Food and Rural Resources and to avoid competing with private entities that provide certification services.

### **PUBLIC 254      An Act To Amend Provisions of the Submerged Lands Law**

**LD 1531**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY YOUNGBLOOD	OTP-AM	H-275

Public Law 2003, chapter 254 increases the administrative fee for submerged lands easement applications and doubles the administrative fee for after-the-fact applications. It authorizes a portion of the Shore and Harbor Management Fund to be used for management of state-owned coastal islands and clarifies the provisions by which a watercraft may be declared abandoned in coastal waters of the State.

### **PUBLIC 262      An Act Regarding the Sale and Protection of Ferrets**

**LD 928**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-296

Public Law 2003, chapter 262 prohibits the importation or sale of a ferret that is less than 8 weeks of age as determined by tooth development.

## *Agriculture, Conservation and Forestry*

**PUBLIC 282**      **An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee**      **LD 1400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	H-339
BRYANT		

Public Law 2003, chapter 282 increases the annual pesticide registration fee from \$115 to \$125 per product, to help fund the increased costs of salaries and benefits for staff to the Board of Pesticide Control.

**PUBLIC 283**      **An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals**      **LD 1543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP      MAJ	
CARR	ONTP      MIN	

Public Law 2003, chapter 283 requires a farm that brings 100 tons or more of compost in a year onto the farm to have a nutrient management plan. It gives the Nutrient Management Review Board within the Department of Agriculture, Food and Rural Resources the authority to hear appeals and resolve disputes involving issues related to site-specific best management practices. Currently the board has the authority to address only disputes that are manure or nutrient-related. It authorizes the appointment of up to 3 temporary members to the board.

It also adds a penalty to the law prohibiting improper handling of manure for failure to implement best management practices that have been prescribed by the Department of Agriculture, Food and Rural Resources in response to complaints about manure handling and storage.

**PUBLIC 329**      **An Act To Amend the Laws Governing Agricultural Marketing and Bargaining**      **LD 1282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-160
SMITH W		

Public Law 2003, chapter 329 makes changes to the laws governing agricultural marketing and bargaining. It establishes a fair share fee at 50% of association member dues and distinguishes between nonmember producers who enter into contracts with a dealer or processor based on whether the contract was entered into before or after the association signed an agreement with the dealer or processor. It allows a nonmember signing a contract after the association's agreement is signed to choose between having that nonmember's fair share dues paid to the association or deposited in a scholarship fund established by the dealer or processor. It gives a nonmember signing a contract before the association's agreement is signed the option of having a fair share fee withheld and deposited in a scholarship fund established by the dealer or processor but requires a dealer or processor to

## ***Agriculture, Conservation and Forestry***

withhold the fair share fee if the nonmember's contract changes after the association signs an agreement and the changes increase the value of the nonmember's contract.

It amends the provision for a 3-day limit for mediation of disputes between the handler and the qualified association for annual crops to specify that the 3 days must be consecutive business days. It requires that the list of arbitrators submitted contain the names of only those arbitrators who are available for the specific pending arbitration and have expressed a willingness to serve.

### **PUBLIC 334      An Act to Clarify the Definition of Livestock**

**LD 181**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-377

Public Law 2003, chapter 334 amends the definition of livestock within the jurisdiction of the Department of Agriculture, Food and Rural Resources to include bison, ratites, which include ostriches and emus, and members of the genus lama, which includes llamas and alpacas.

### **PUBLIC 335      An Act To Promote Consistent Protection of the State's Waters**

**LD 245**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU MARTIN	OTP-AM	H-378

Public Law 2003, chapter 335 authorizes the Department of Conservation to proceed with rulemaking to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas. It allows a municipality to retain a municipal ordinance pertaining to timber harvesting and timber harvesting activities in shoreland areas if the ordinance is consistent with laws and rules in effect December 31, 2005. The statewide standards must be adopted by October 1, 2003 with a delayed effective date of January 1, 2006. The Maine Land Use Regulation Commission, the Commissioner of Environmental Protection and the Board of Environmental Protection are directed to amend or repeal their rules as necessary to remove any provisions that duplicate or conflict with the statewide standards. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation necessary to implement the statewide standard for timber harvesting in shoreland areas or clarify the responsibilities of the Bureau of Forestry in administering and enforcing the standard.

# ***Agriculture, Conservation and Forestry***

## **PUBLIC 343      An Act To Amend Maine's Arborist Licensing Laws**

**LD 1463**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP-AM	H-386

Public Law 2003, chapter 343 simplifies the arborist licensing provisions and brings them into conformity with actual practices in the arborist profession. It allows the Department of Agriculture, Food and Rural Resources to waive the examination requirement when a nonresident applicant for an arborist's license is certified by the International Society of Arboriculture. It authorizes the department to suspend, revoke or refuse to issue or renew an arborist license, if an arborist repeatedly violates the standards of practice for the arborist profession as established in rule.

## **PUBLIC 345      An Act To Clarify the Timber Harvesting Notification Requirements**

**LD 1407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PINEAU	OTP      MAJ ONTP      MIN	H-385    TRAHAN

Public Law 2003, chapter 345 amends the provisions for harvest notification to specify that the exemptions for certain 2 and 5 acres harvests apply only when the landowner performs the harvest.

## **PUBLIC 346      An Act To Protect the Small Forest Landowners**

**LD 1500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT JODREY	OTP-AM	S-162

Public Law 2003, chapter 346 specifies that addresses and other contact information collected for the purpose of contacting forest owners are not a public record. The Department of Conservation, Bureau of Forestry may share the information but is not required to provide it.

## **PUBLIC 350      An Act To Address Concerns Regarding the Breeding and Sale of EMERGENCY      Certain Small Mammals**

**LD 1228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-448

Public Law 2003, chapter 350 places in statute certain record-keeping requirements that are in rule, except that it also requires records to be kept on lagomorphs. It directs the Commissioner of Agriculture, Food and Rural

## ***Agriculture, Conservation and Forestry***

Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 31st on the regulation of breeders and sellers of small mammals commonly kept as pets. It authorizes the committee to report out a bill during the Second Regular Session of the 121st Legislature regarding regulation of these breeders and sellers.

Public Law 2003, chapter 350 was enacted as an emergency measure effective May 30, 2003.

### **PUBLIC 386      An Act Concerning the Animal Health and Disease Control Laws**

**LD 1583**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PIOTTI	OTP-AM	S-187

Public Law 2003, chapter 386 requires the Commissioner of Agriculture, Food and Rural Resources to develop a cattle health assurance program including an assessment plan for on-site evaluation of farms. It requires the commissioner to adopt routine technical rules for the administration of this program. It updates and clarifies standards for the licensing of deer and elk (cervid) farms. It requires the commissioner to develop a chronic wasting disease surveillance program.

### **PUBLIC 405      An Act To Amend the Animal Welfare Laws**

**LD 1545**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PINEAU	OTP-AM    MAJ ONTP       MIN	H-533   MCKEE S-195

Public Law 2003, chapter 405 increases fees for dog licenses and fees for various animal facility licenses, including breeding kennels, boarding kennels, pet shops, animal shelters and research institutions. Dog licenses are increased from \$7.50 to \$10 for dogs capable of producing young and from \$4 to \$6 for dogs incapable of producing young. Chapter 405 requires that humane agents employed by the Department of Agriculture, Food and Rural Resources complete a 100-hour in-service program at the Maine Criminal Justice Academy or a nationally recognized program dealing with animal welfare.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to establish a pilot project for issuing dog licenses via the Internet and allows the commissioner to accept funds and gifts for deposit in a separate account to enhance the animal welfare program. It requires a veterinarian's statement in writing prior to a humane agent, animal control officer or animal shelter authorizing euthanasia of a severely sick, severely injured or extremely vicious cat. It establishes a process for animal shelters to accept and dispose of pets whose owners are incarcerated or hospitalized.



## ***Agriculture, Conservation and Forestry***

**PUBLIC 422      An Act To Promote Stewardship of Forest Resources**

**LD 1616**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRYANT	OTP-AM	H-512

Public Law 2003, chapter 422 defines "liquidation harvesting" and requires the Commissioner of Conservation to provisionally adopt major substantive rules to substantially eliminate liquidation harvesting. The rule must be submitted to the Legislature by February 1, 2004. Chapter 422 specifies that the rule include appropriate exemptions for harvests covering small acreages, permitted land conversions and for land managed under an independent 3-rd party certification for sustainable forest management. It also requires the Commissioner of Conservation to solicit input from interested parties in developing recommendations for additional solutions to the issue of liquidation harvesting. It requires the Department of Conservation to provide a final report no later than January 2, 2004 to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizes the committee to report out a bill to the Second Regular Session of the 121st Legislature to implement the recommendations in the report.

**PUBLIC 454      An Act To Improve Enforcement of the State's Natural Resource  
Protection, Timber Theft and Trespass Laws**

**LD 1447**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-456 H-547 PINEAU

Public Law 2003, chapter 454 requires a truck driver upon request to present a copy of the trip ticket to a forest ranger in any log yard or mill site. It requires a wood scaler to present the record of measurement including the trip ticket or information contained on the trip ticket to a forest ranger upon request.

**P & S 1      An Act To Eliminate a Defunct Account in the Department of  
EMERGENCY      Agriculture, Food and Rural Resources**

**LD 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N HALL	OTP-AM	H-12

Private and Special Law 2003, chapter 1 transfers to the General Fund the balance remaining in the Dairy Farm Stabilization Fund within the Department of Agriculture, Food and Rural Resources. The statutory authority for this fund was repealed in 1995.

Private and Special Law 2003, chapter 1 was enacted as an emergency measure effective March 20, 2003.

## ***Agriculture, Conservation and Forestry***

**P & S 2  
EMERGENCY**

**An Act To Provide Temporary Emergency Relief to Maine Dairy  
Farmers**

**LD 593**

Sponsor(s)  
BRYANT  
PIOTTI

Committee Report  
OTP-AM

Amendments Adopted  
S-1

Private and Special Law 2003, chapter 2 provides for the allocation of funds to provide temporary emergency relief to Maine dairy farmers. See the enacted law summary for LD 1378 for other relief measures for Maine dairy farmers.

Private and Special Law 2003, chapter 2 was enacted as an emergency measure effective March 20, 2003.

**P & S 11**

**An Act To Amend the Laws Regarding the Location of the Wells  
National Estuarine Research Reserve**

**LD 777**

Sponsor(s)  
COLLINS  
CARPENTER

Committee Report  
OTP-AM

Amendments Adopted  
H-100

Private and Special Law 2003, chapter 11 amends the description of the location of the Wells National Estuarine Research Reserve to include lands or interests in land acquired from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational purposes. It requires the Wells National Estuarine Research Reserve Management Authority to provide a copy of its annual financial report to the joint standing committee of the Legislature having jurisdiction over conservation matters. This is a correction to designate the appropriate committee of jurisdiction to receive the report.

**RESOLVE 13**

**Resolve, Directing the Department of Conservation To Create the  
Kennebec River Historic Waterway**

**LD 680**

Sponsor(s)  
COLWELL  
TREAT

Committee Report  
OTP-AM

Amendments Adopted  
H-152

Resolve 2003, chapter 13 directs the Department of Conservation to design and establish the Kennebec River Historic Waterway from Popham Beach in Phippsburg to Fort Halifax in Winslow and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2004 on progress made in various elements of the plan for increasing recreational opportunities along the waterway.

## ***Agriculture, Conservation and Forestry***

**RESOLVE 41**      **Resolve, Requiring the Department of Agriculture, Food and Rural Resources To Adopt Rules Regarding Care and Treatment of Elephants**      **LD 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	ONTP      MAJ	S-120    PENDLETON
MCKEE	OTP-AM      MIN	S-85

Resolve 2003, chapter 41 requires the Department of Agriculture, Food and Rural Resources to adopt routine technical rules regarding the care and treatment of elephants based on standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

**RESOLVE 65**      **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**      **LD 1558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER	OTP-AM	H-432

Resolve 2003, chapter 65 authorizes the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation to SP Forests, L.L.C. for fair market value as established by an independent appraiser. The State will be acquiring land of greater fair market value and containing significantly greater public recreational opportunities. The Bureau of Parks and Lands is seeking funds from the Land for Maine's Future program and the Outdoor Heritage Fund to make up the net difference in fair market value between the properties being conveyed and those being acquired. The acquisitions include shore frontage on Sebois Lake in Lakeview Plantation, land abutting the East Machias River and an island in Rock Lake in Washington County.

**PASSED**      **JOINT STUDY ORDER – The Joint Standing Committee on ACF shall conduct a study of New Payment Models for the Logging Industry**      **HP 724**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP	S-263

House Paper 724 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to conduct a study during authorized interim committee meetings on new payments models for the logging industry. More specifically, the committee is directed to examine how logging contractors and their employees are paid, the impact of public policies on forest management, and state labor and educational policies pertaining to logger apprenticeship programs. The committee is required to submit a report, including any legislation necessary to implement recommendations, to the Legislature no later than December 3, 2003.

## ***Agriculture, Conservation and Forestry***

**PASSED**

**JOINT ORDER – Directing the Office of Policy & Legal Analysis  
and the Office of the Revisor of Statutes to Recodify MRSA, Title 7**

**SP 586**

Sponsor(s)  
BRYANT

Committee Report

Amendments Adopted

Senate Paper 586 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that proposes the recodification of Maine Revised Statutes, Title 7. Title 7 contains laws relating to agriculture and animals. The offices are directed to reorganize the laws in Title 7, eliminate archaic terms and confusing language, update cross references and make technical changes to improve the readability and accessibility of the Title. The offices are directed to submit the proposed recodification bill to the joint standing committee having jurisdiction over agricultural matters no later than January 15, 2005.